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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/898,150	07/03/2001	Dietmar Uhde	PD000032	2593

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EXAMINER	
ORTIZ CRIADO, JORGE L	
ART UNIT	**PAPER NUMBER**
2627	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/20/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	09/898,150	UHDE ET AL.	
	Examiner	Art Unit	
	Jorge L. Ortiz-Criado	2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03/02/2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *22-25,27,31-35,37 and 38* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *22-25,27,31-35,37 and 38* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03/02/2007 has been entered.

Claim Objections

1. Claims 22-25, 27, 31-35 and 37 are objected to because of the following informalities:

The claims are objected to because, as recited in claims 22, 31 and 38, the term "BCA", is an acronym, which could mean different things and/or change in meaning overtime, hence it would be desirable to write out the actual words to which the acronym refers, such as "Burst Cutting Area (BCA)".

Dependent claims fall together accordingly.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 22 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 22 recites "the step of detecting" in line 23 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 22-24, 27, 31-35 and 37-38 are rejected under 35 U.S.C. 102(b) as being unpatentable over Bakx U.S. Patent No. 5,072,435 in view of Okazaki et al. U.S. Patent No. 5,831,947 and further in view of Shim U.S. Patent No. 6,608,804.

Regarding claim 22, Bakx discloses a method for reducing an initialization time of an apparatus for reading from and/or writing an optical recording medium, said optical recording medium having identification information data which enables the identification of the optical recording medium individually among at least optical recording media of the same type (See Abstract; col. 1, line 35 to col. 2, line 57), comprising the steps of:

detecting the identification information data of an optical recording medium inserted into said apparatus to identify said optical recording medium (See col. 5, lines 31-43; Figs. 2,10);

determining if adjustment values associated with control for reading from and writing to the identified optical recording medium are accessibly stored for said apparatus (See col. 5, lines 31-43; Figs. 2,10);

in response to identifying that adjustment values for said apparatus, setting control and regulating circuits of said apparatus in accordance with stored adjustment values (see col. 5, lines 45-48; Figs. 2,10) and

in response to determining that adjustment values for said apparatus are not accessibly stored, initializing said apparatus to determine respective adjustment values for the control and regulating circuits of said apparatus such that said apparatus is able to optimally read from and write to the identified optical recording medium, and respectively storing said determined adjustment values for said apparatus and the corresponding identification data of said identified optical recording medium (see col. 5, lines 48-61; Figs. 2,10).

Bakx discloses that the adjustment parameters are only few examples of the large number of adjustment parameters, which are possible. Bakx discloses the claimed invention except for the specific adjustment values associated with tracking or focus control.

However, this feature is well known in the art and is evidenced by Okazaki et al., which discloses a method for reducing an initialization time of an apparatus for reading from and/or writing an optical recording medium, having identification information data which enables the identification of the optical recording medium individually among at least optical recording media of the same type, detecting the identification information data of an optical recording medium inserted into said apparatus to identify said optical recording medium (See Fig. 4, #100; col. 8, lines 14-16);

determining if adjustment values associated with tracking or focus control for reading from and writing to the identified optical recording medium are accessibly stored for said apparatus (See Fig. 4, #101; col. 7, line 64 to col. 8, line4; col. 8, lines16-19);

in response to identifying that adjustment values for said apparatus, setting tracking or focus control and regulating circuits of said apparatus in accordance with stored adjustment values (See Fig. 4, #105-107; col. 8, lines 25-43) and

in response to determining that adjustment values for said apparatus are not accessibly stored, initializing said apparatus to determine respective adjustment values for the tracking or focus control and regulating circuits of said apparatus such that said apparatus is able to optimally read from and write to the identified optical recording medium (See Fig. 4, #102-103; col. 8, lines 34-42), and respectively storing said determined adjustment values for said apparatus and the corresponding identification data of said identified optical recording medium (See Fig. 4, #104; col. 8, lines 34-42).

It would have been obvious to one of an ordinary skill in the art at the time of the invention was made to include adjustment values associated with tracking or focus control in

order to control and regulates the read and/write operations optimally with high accuracy, controlling parameters that are corrected to accommodate various variations or irregularities in the apparatus for the apparatus for reading from and/or writing an optical recording medium and reducing considerably the time required for automatic regulation of circuits of said apparatus, as taught by Okazaki et al.

Bakx in combination with Okazaki et al. further discloses wherein the apparatus comprises an optical read unit, as Bakx discloses where the location for recording the identification data depends on the type of the recording media used. But Bakx does not expressly disclose wherein a Burst Cutting Area "BCA" data present on the optical recording media is used as the identification data of the optical recording media, as recited in the claim "wherein a content of a BCA data area on the recording medium is used as the identification data; wherein detecting the identification data comprises coarsely focusing an objective lens of the apparatus and displacing an optical scanner of the apparatus into a position which is predetermined for the BCA data area; and wherein the identification data is detected without track regulation.

However, the features of a "BCA" data area used to obtain identification information or other types of information is well known standard in the art and is normally provided for identification and/or authorization of discs and is evidenced by Shim.

Shim discloses a method for quickly producing read or write readiness of an apparatus for reading from or writing to an optical recording medium, the recording medium having identification information items which individually identify the recording medium individually among recording media of the same type (i.e. same types: "Optical Media", among the same type

DVD, CD, CD-ROM, DVD-ROM etc.), which includes of a Burst Cutting Area "BCA" comprising an identification information data to rapidly and accurately performs discrimination of the different discs, by displacing the optical read unit into a position predetermined for the BCA data (BCA area on innermost area of the disk; col. 4, lines1-3; Fig. 4, #402),

coarsely focusing the optical read unit onto the optical recording medium is an inherent characteristics of using a BCA area, at very least some coarse focusing has to be performed, for reading the BCA region;

and wherein the identification data is detected without track regulation, this is also an inherent characteristic of using and reading a BCA area of a disk, where servo tracking is not performed, due to the structure of the BCA. Because, a BCA area has a width wider than a track pitch, it applies to two or more tracks. For this reason, track servo is turned OFF when the BCA is reproduced.

It would have been obvious to one with ordinary skill in the art to include the identification information as in "BCA" data identification in order to quickly and accurately performing the identification as suggested by Shim, and further since the BCA signal level is larger in amplitude and longer in cycle as compared with the pit signal of the program area of the recording medium, the BCA signal is easily distinguished at the time of reproducing by a simple circuit, furthermore the BCA would also aids in piracy protection as well know in the art.

Using a BCA for identification is also admitted by the Applicant, which clearly acknowledged that BCA is known and well used with DVD-Rom media.

These features are prior art admitted by the applicant, which recite that "*the invention can generally be applied to optical recording media which can be distinguished using individually stored features or identification information items. This is true, **in particular, of DVD-ROM** media, since the latter often have a "BCA code" ("Burst Cutting Area") which is individually allocated for each medium or each recording medium. After the uniform production of a series of discs, the "Burst Cutting Area" is applied by a burning operation into a specific area of the individual disc. This BCA data area is normally provided for identification and authorization of the disc.*

Since this BCA data area uniquely identifies a disc, this BCA data area can be used for individual recognition of the corresponding disc" (page 3, line 28 to page 4, line 4 of the specification).

Assuming *arguendo* that the above is not applicant's admission of prior art, the features are taught by the Shim reference as used above.

Regarding claims 23 and 33, Bakx further discloses wherein the adjustment values for said apparatus are stored in a storage means for storing said determined adjustment values for said apparatus (see col. 5, lines 48-61; Fig. 1, ref# 12); Okazaki et al also discloses the feature (see col.15, lines 18-26).

Regarding claims 24 and 34, Bakx further discloses wherein said storage means comprises a "non-volatile" memory (see col. 5, lines 48-61; Fig. 1, ref# 12); Okazaki et al also discloses the feature (see col.15, lines 18-26).

Regarding claim 27, Bakx further discloses wherein the identification data of the optical recording media comprises first data identifying said optical recording medium as one of a plurality of recording types and second data specific to only the respective optical recording medium. (See col. 2, lines 1-21; col. 5, line 31-61; Fig. 2,10).

Regarding claim 31, apparatus claim 31 is drawn to the apparatus that performs the corresponding method claimed in claim 22. Therefore apparatus claims 31 correspond to method claim 22 and are rejected for the same reasons of obviousness as used above.

Regarding claim 32, Bakx further discloses wherein said detection means comprise at least one of a read and a **read/write** means (See col. 3, lines 21-22 Fig. 1, ref#3).

Regarding claim 35, Bakx further discloses wherein said storage means comprises at least one of a non-volatile memory of the apparatus and a non-volatile data carrier provided externally to the apparatus (see Fig. 1, ref# 12); Okazaki et al also discloses the feature (see col.15, lines 18-26).

Regarding claim 37, Bakx further discloses wherein a method/apparatus for reducing an initialization time of an apparatus for reading from and/or writing an optical recording mediums having identification information data which enables the identification of the optical recording medium individually among at least optical recording media of the same type, as outlined above with claim 31. Bakx does not expressly disclose the use of DVD-ROM discs as optical recording

media. However, an optical recording media encompass DVD-ROM discs, because DVD-ROM discs are optical recording media having identification information data; Okazaki et al also discloses the feature (see col. 1, lines 9-14, which discloses phase change optical disk).

Regarding claim 38, claim 38 recites limitations similar to the claim 22 above and is rejected for the same reasons of obviousness as used above.

4. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bakx U.S. Patent No. 5,072,435 in combination Okazaki et al. U.S. Patent No. 5,831,947 and Shim U.S. Patent No. 6,608,804 and further in view Scibora U.S. Patent No. 6,366,544.

Bakx in combination with Okazaki et al. and Shim discloses all the limitations based on claim 22, as outlined above. Bakx in combination with Okazaki et al. and Shim further shows wherein a storage means is accessible by the apparatus. But Bakx in combination with Okazaki et al. and Shim does not expressly disclose an external storage means.

However this feature is well known in the art as evidenced by Scibora, which discloses a storage means carrier provided externally to an apparatus, and in that the content of the file of said storage means is accessible by said apparatus (See col. 3, lines 9-11; col. 4, lines 21-29; Fig. 1).

Therefore it would have been obvious to one with ordinary skill in the art at the time of the invention to include a storage means provided externally to the apparatus and in that the content of the file of said storage means is accepted into a memory which is provided in the apparatus, because by providing the external storage means allows update by downloading to the

memory in the apparatus, with other content files which identifies the recording medium and enable reading the recording medium by the information content downloaded to the memory of the apparatus, as suggested by Scibora.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. JP 11-328857 to Miyazawa et al., which discloses using a BCA area as identification data, wherein the identification data is detected without track regulation.

Response to Arguments

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jorge L. Ortiz-Criado whose telephone number is (571) 272-7624. The examiner can normally be reached on Mon.-Thu.(12:30 pm- 9:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrea L. Wellington can be reached on (571) 272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

joc

Andrea Wellington
Supervisory Patent Examiner